

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

ROBERT F. LOPEZ ACEVEDO

Debtor

CASE NO.:16-07441 (MCF)

CHAPTER: 13

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now, Scotiabank de Puerto Rico ("Scotiabank"), secured creditor, through the undersigned attorney and very respectfully states and prays:

1. Scotiabank is a secured creditor by virtue of being holder in due course of a duly registered mortgage note over Debtor's real estate property located at Road 729 Km. 0.3, Toita Ward, Cidra, Puerto Rico 00739. [Claim No. 7].

2. Debtor's confirmed Chapter 13 payment plan dated November 16, 2016, provides for debtor to pay pre-petition arrears through the Chapter 13 Trustee and maintain regular monthly installments of \$735.00 to Scotiabank. [Docket No. 16].

3. At present, debtor owes Scotiabank the amount of \$2,262.64, for lack of payment of three (3) monthly installments to Scotiabank.

4. Such lack of payment constitutes a material default by debtor with respect to the terms of the confirmed plan. 11 U.S.C.

§1307(c)(6).

WHEREFORE, it is respectfully requested from this Honorable Court that this case be dismissed under §1307(c)(6) of the Bankruptcy Code.

RESPECTFULLY SUBMITTED.

NOTICE

Within thirty (30) days after service as evidenced by the certification, and three (3) additional days, pursuant to Fed. R. Bankr. P. 9006(f), if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk=s office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief requested is forbidden by law; (ii) the requested relief requested is against public policy; and/or (iii) in the opinion of the Court, the interest of justice requires otherwise.

In San Juan, Puerto Rico, on July 24, 2017.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this same date the foregoing was

electronically filed, utilizing the CM/ECF System, which, upon information and belief, will notify the same to all participants, including Debtor's attorney Roberto Aristides Figueroa-Colón; and Chapter 13 Trustee Alejandro Oliveras Rivera; also the foregoing has been caused to be served by first class mail to debtor Robert F. López Acevedo, at RR 1 Box 32333, Cidra, Puerto Rico 00739; to Debtor's attorney Roberto Aristides Figueroa-Colón, at Figueroa & Serrano, PSC, P.O. Box 1635, Guaynabo, Puerto Rico 00970; and to the Chapter 13 Trustee Alejandro Oliveras Rivera, at P.O. Box 9024062, San Juan, Puerto Rico, 00902-4062.

In San Juan, Puerto Rico, on July 24, 2017.

Fernández, Collins, Cuyar & Plá

/s/Juan A. Cuyar Cobb

Juan A. Cuyar Cobb

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